

ALL OF THE TESTIMONY IN.

The Evidence For and Against John W. Lauer Before the Jury.

THE ARGUMENTS COMMENCED.

Mr. Simeral Opens for the State With a Strong Arraignment of Lauer—Judge Savage For the Defense.

The Lauer Trial.

At the opening of the trial yesterday morning the district court room was pretty well crowded. About one third of those in the lobby were ladies. As the trial went on the throng increased, and the entire north half of the court-room was fairly packed.

Miss Minerva Lauer was recalled and taken into cross-examination by General Cowin. She said that when she heard the shot she supposed burglars were in the house and rushed down stairs to escape them. When John came to the door he said: "My God! I have mistaken Sallie for a burglar and shot her." He asked me to come back to her.

"I told him I couldn't go in. He said 'Rush out for help' and then I went out and roused the neighborhood as quickly as I could.

"W. Lauer didn't tell you a thing about the extent of the injuries that Sallie Lauer had received?"

"He didn't have time to say any more, no sir."

"Did he say anything to you about getting a doctor?"

"No, sir."

"What kind of help did you think she needed?"

"The same kind as when she was sick before, when we called in Mrs. Savage who saved her life."

Miss Lauer was asked to define the kind of help that she thought was needed, but her answer seemed to be unsatisfactory.

"Did you say a word to Mrs. Savage about getting a doctor?"

"I don't remember."

"Didn't you know that Dr. Parker lived only a block away?"

"Yes, sir, I knew that."

Miss Lauer was then asked as to whether she had ever had a conversation with a Mrs. Benson about the time of the funeral in which she (Miss Lauer) said that when she heard the shot she came down stairs as soon as she dared to. It was no use to get help, because Sallie was dead, dead, dead.

"I will swear that I had no such conversation."

"I could see the look of dreadful despair on John's face when he came to the door. Up to this time I didn't think of the fact that I hadn't heard Sallie's voice."

"You say that the oatmeal was put on the stove to cook?"

"Yes, just to soak it and make it more easily cooked."

"Why couldn't you put it on the table?" asked General Cowin.

"Because we wanted to heat it somewhat."

"Then the amount of heat depends upon the fire in the stove, doesn't it?"

"The witness was obliged to admit that it did."

"YLANG-YLANG."

A pleasant odor of "ylang-ylang" invaded the nostrils of the reporters as the next witness Miss Emma Savage took her place on the stand. Holding up her right hand instead of her left, she commented on the court as the young lady was being sworn.

She complied and after the oath was properly administered began her testimony.

She told of the pleasant relations which had existed between Mr. and Mrs. Lauer. She had retired the night of the tragedy about 11 or 12 o'clock, and noticed that the blinds of the west dining room window of Lauer's house were open, the curtain being down. About 2 o'clock that morning she was awakened by hearing Sallie Lauer call for help. Her husband came in. She had on only her night dress and a pair of slippers. Mrs. Savage threw a shawl over her head and then Miss Lauer went over to the Mr. McShane's house.

Miss Savage was cross-examined by Mr. Simeral. She couldn't tell what it was that attracted her attention particularly to the blinds and curtain of Lauer's house, but she was certain that the curtain was down.

"How did you happen to notice that on this particular night?" was asked of her.

The witness could not tell. She further testified that the first thing she noticed on the night of the tragedy was the screen of the cellar window was torn off.

After a hurried consultation with Judge Savage, Mr. Thayer arose at a few moments before 11 o'clock and said: "That is our case, your honor."

The taking of the rebuttal testimony was commenced by the state. Mrs. J. W. Lauer was recalled and testified that she testified that some time after Miss Lauer had come to Omaha Mrs. Lauer came to her house and told of a conversation she had had with her husband. A certain man had come to her house and told her that he was not a gentleman and forbade her to speak to him. Whereupon she said to him, "I'm going to speak to him when I like, and if you don't like it there is the door."

Mrs. Benson testified to a conversation which she had with Miss Lauer, either on the day of the inquest or the succeeding day. At that occasion Miss Lauer told her: "When I heard the shot I rushed down stairs just as soon as I dared to. It was no use to go for a doctor, for Sallie was dead, dead."

Deputy Sheriff Grobe was next called, and testified to his possession of the doors of the store in Lauer's house about a year ago. He brought them into court, and explained their relative positions on the night of the tragedy.

IN THE AFTERNOON.

Mrs. Emma Bell was recalled for the purpose of further cross-examination by counsel for the defense. She was asked if she didn't say to Officer Frank Bellamy who took her up to the police court to testify on the preliminary examination, that she did not know Lauer or anything about the case? She replied that she did not.

An Ex-Policeman Frank Bellamy was the next witness. He testified that he was the officer who brought Emma Bell up to the police court. She told him on the way up that she had never been in Lauer's house, did not know him and knew nothing of the case.

Lauer, the defendant, was recalled and testified as to the manner in which the door leading from the dining room into the hall was hung.

THE ARGUMENTS.

"Proceed with your arguments, gentlemen," said Judge Neville at a quarter of 3 o'clock yesterday afternoon when both sides announced that they were through with the taking of evidence.

Mr. Simeral, county attorney, was the first speaker. He congratulated the jury on being so near the conclusion of the case. He would waive the privilege of making the last speech to General Cowin, who, he said, would be far better fitted to answer the arguments made by Lauer's counsel. It was a fearful responsibility that rested upon them—they held in their hands a human life.

In this case it was admitted that Sallie Lauer was dead, and second that her husband, John W. Lauer, had killed her. He killed her on purpose, claiming to mistake her for a burglar.

Homicide was divided into three

classes—manslaughter, which was killing with intent; murder in the second degree, killing with malice and intent; murder in the first degree, killing with malice, intent and premeditation.

There were three stages in Lauer's life—the period of engagement, the period from the engagement to the separation and the period from the separation to Mrs. Lauer's death. During the first two stages he was abusive and jealous, and his only defense was that he had reformed during the third stage, from the separation to the death, and had treated his wife kindly. A leopard cannot change his spots, nor could John Lauer change his character. A man that would raise his hand to strike his wife, would raise his hand to kill her.

"I wish," said the speaker, "that I had the power and eloquence of my learned friend, Judge Savage, here, and I would lay the case before you in the most convincing style so that you could not avoid the truth. I would tell you of the atrocities which have been made in this case—how Mrs. Goetschius, the mother of the dead girl, had said to Lauer: 'You'll have my girl in ten days.'"

before two days. Judge Savage herself had said to Dr. Coffman that she would go back to her husband rather than bear the disgrace of separation, though she knew he would kill her. All this has come to a head in the tragedy of the night."

"The defense will probably wreak vengeance on Mrs. Bell, a poor lone defenseless woman, by heaping abuse on her."

"There are several reasons why Lauer must be found guilty. He was a man who knew that he was firing at his wife—the moonlight. Witnesses testify that night was unusually bright, on account of the moon. It has been shown that the curtains were open and the curtain part way up. That being the case, the moon must have been seen."

FLOODED WITH LIGHT.

Human life is too precious for a man who would shoot at his wife with a bullet to send the bullet crashing into the brain of his wife—sending her into eternity without a moment's warning."

"The stove, too, must have thrown out enough light to make it impossible for November and cold weather, and there must have been a good fire. Several witnesses testify to this. Mr. P. E. Her notice it on the morning of the tragedy and called the Lauer's attention to it, asking him how he could have been so stupid as to shoot at his wife."

KILLED HIS WIFE.

With such a light in the room, Lauer was silent. So he was on every occasion when he was in the room. He could say nothing."

Mr. Simeral then referred to the tests which had been made by the friends of Mr. Lauer.

"The tests were made by persons who had sheets around them. This was not a fair test. Mr. Ewing, who with others had tested the light thrown out by the stove, testified that objects could easily be seen in the room, and the large print could be read. It doesn't stand to reason that Mrs. Lauer in her long right robe, with her golden hair streaming down her shoulders, could have been mistaken by Lauer for a burglar. During the time that Lauer was looking at the figure feeling for the revolver, watching for the body to fall, he never once thought of his wife."

As John Lauer knew when he fired, just as well as you know now, that

THAT FIGURE WAS HIS WIFE.

The immediate circumstances of the affair you must judge for yourself. Whether or not Lauer had a sudden quarrel with his wife, no one will ever know. It will forever remain an unsolved mystery."

"The story of Lauer's first burglary was a fishy one. Why had Mrs. Savage when she heard the shot not come to the door? Why did she not call for help? She said she wanted to see if there was any going on. She wanted to see, in all probability, whether or not there wasn't a quarrel between Mr. and Mrs. Lauer. And that was the keynote of the whole transaction."

"I tell you the eloquence of the lawyers may save his neck from the gallows, but it may bankrupt divine justice to save his soul from hell. He has the blood of his wife on his hands!" Mr. Simeral turned and pointed to the defendant as he uttered these words and the latter paled and dropped his eyes. Miss Lauer looked grieved and astonished.

Mr. Simeral then went on to point out the PLAINS IN LAUER'S STORY.

Why had he not looked for his wife before he fired? He had seen her, on the occasion of the former burglary. Why did he run to the door when his sister ran down stairs and tell her to come in, if not to prevent her from going out with the knowledge of a great crime which had just been committed?"

Mr. Simeral said that the jury would probably be instructed to acquit John Lauer, if they honestly believed that he looked for his wife for a burglar when he fired. The jury must weigh well and fully the word "honestly." A great deal would probably be said to them by the counsel for the defense about the "reasonable doubt" which ought to break down the prosecution. But could the jury, he said, with the overwhelming

MASS OF EVIDENCE

against Lauer think that there was any reasonable doubt about the defendant's guilt? The duty of the jury, he declared, was plain one. If they thought that the evidence was against Lauer they must bring in a verdict of guilty, no matter what the consequences might be to Lauer, his devoted sister or his true friends.

THE DEFENSE.

Judge Savage made the opening speech for the defense. He began with a dissertation on the doctrine of "reasonable doubt." He said that the state was entitled to be considered innocent until its guilt was proven. Another thing was to be considered. A man has a perfect right to guard his house against the attacks of burglars. He has a perfect right to kill an intruder, and no one would hold him to blame for the death. So that if John Lauer shot his wife mistaking her for a burglar, he would be acquitted. The prosecution was entitled to the benefit of the doubt. The state was the same—the mistake her for a burglar. The prosecution could not take into consideration Lauer's admission that he killed his wife. Lauer had no intention of considering his defense that he mistook her for a burglar.

The speaker said that he believed the jury would agree with him in the belief that when the defense opened its side of the case the state had

PROVEN ABSOLUTELY NOTHING—not one thing against Lauer. He proposed to dissect the testimony of the witness Emma Bell and not to abuse her as the state had charged. Mr. Simeral had referred touchingly to Mary Madeline and Emma Bell and their repentance. Lauer, forsooth, could not repent and change his conduct toward his wife. He was the leopard who could not change his spots! The Ethiopian who could not change his skin! Women might reform but men never! "I am sorry," said Judge Savage, "but I cannot say that Lauer is a better man than he was. He has such a poor opinion of his own sex. Perhaps he has not reformed himself yet, but when he does, if he does it sincerely, he will be forgiven."

Mr. Bell's testimony. She had sworn that the cranberry episode took place two years before the killing, and that it was in warm weather. This would bring it back to August, July or June, 1885, and yet the Lauer house had not been occupied until October 18, 1883. This had been proven by the builder of the house and by Mr. Orchard. Cranberry sauce, it was pointed out, is a member of the summer time, in warm weather. Cranberries are not sold at that period of the year. I believe that there are about as

many of you in this court room who have eaten

CRANBERRY SAUCE IN SUMMER time as there are watermelon in January—and not one more."

Mr. Savage then referred to the testimony of Mr. and Mrs. Butler and Mr. Williams, who gave evidence against Mrs. Lauer.

Judge Savage said that he was glad that the court had made ruling that Lauer could be cross-examined upon the whole circumstances of the case. Lauer had told the truth and it had done him no harm. The state would not have fought one whole afternoon for the privilege of cross-examining him if they had thought he wasn't going to tell the truth.

Very little had been

PROVEN AGAINST LAUER as to his acts of cruelty toward his wife, even on the cross-examination. Lauer and his wife had lived together for five years and he didn't kill her because he didn't like to see it worn by his wife, it is true. Yet he had a good many sympathizers with him in his anti-Mother Hubbard feelings. "I don't believe that I would ever have seen a wife wearing a Mother Hubbard," remarked Judge Savage.

The story about Lauer's beating his wife with a turkey was also wickedly fought out. He said that he had told the only correct version of the affair, which was that he had simply thrown the turkey into the room."

Concerning the period of separation, the speaker had little to say. "Lauer had

REPEATED BITTERLY

for all that he had done or caused his wife to suffer. The blow that Lauer struck his wife was not the worst crime a man could commit. 'I have known men in this community—bitter and vindictive against this poor fellow—who have been driven out of the county by means of a cause he struck his wife—who have not gone home sober to their wives for fifteen years.' 'I am a man,' continued the speaker, 'who ought to be revered, protected, respected and honored. I have asked an old woman such a question as was put to Mrs. Savage by the counsel for the state. 'Did you go out in your night clothes to meet two drunken men?'

Here the judge quoted from the cross-examination of Mrs. Savage to show that insulting language, as he declared, had been put to the witness by General Cowin.

Judge Neville at this juncture adjourned court until 9:30 this morning.

Baking Powder Tramps.

The danger to the public health from the indiscriminate use of the many lines and alum baking powders of commerce has been so fully exposed that everybody body desires to avoid. As "forewarned is forearmed," housekeepers will thank us for apprising them of the special efforts at present being made to dispose of such powders in this vicinity.

The proprietors of some of the worst of these powders are now going from house to house, and by means of a trick, or so-called test, with heat and water, to show that their article is as good as the Royal Baking Powder, making the comparison with this brand because everybody knows that it is absolutely pure and wholesome, the object, of course, being to supply their own goods in place of the Royal, which housekeepers have for so many years relied upon to put up with. The trick is to make the light palatable, and wholesome roll, cake, and pastry for which it is famous.

The housekeeper will do well to be on her guard against these baking powder tramps. Every intelligent person knows that any goods peddled from house to house in this manner, or that are given away as samples, should be treated with suspicion. The goods are introduced by secretly trading the character of other goods well known to be pure and reliable, have no merits of their own, and have failed to find purchasers through their own merits.

Those who are informed as a matter of fact, that one of these tramps is trying to introduce a powder that has been found by the government chemist to be 11.85 per cent of alumina, and 88.15 per cent of powder that is 30 per cent alum—once a powerful caustic, the other a corrosive poison.

No such tricks or jugglery will be apt to deceive any intelligent person. The housekeeper who has used her Royal Baking Powder ever since she discarded cream of tartar and soda, knows more about its qualities than all the tramps in the country can tell her. She knows the test to which she has put the Royal Baking Powder—the test of actual and successful work in the preparation of pure and wholesome food, under which it has never failed—is that it is a satisfactory powder that has always had "good luck" with it in making light, sweet and delicious bread, biscuit and cake, and has placed it, to stay, at the head of her household. Now she knows that it has been officially approved by the government chemists as the best, and we imagine that the baking powder tramp who attempts to supplant its place in her confidence will find this a bad year for his business.

AMUSEMENTS.

HERMANN.

Herrmann gave an exhibition of his marvelous skill last night at the opera house. A good sized audience was present and the closest interest was manifested. Conjecture was lively as to the methods employed by the magician but his baffling dexterity was too much for the most alert imagination, and people went away unenlightened. Herrmann's only wife was a valuable adjunct to the entertainment. The orchestra played constantly and was an agreeable feature, save for the potpourri of selections that were played in a regular and methodical fashion. The popular taste and strayed to without flinching and satirized in its face at every opportunity.

Up Go the Prices.

On and after Monday next all good lots in "BEAUTIFUL CLIFTON HILL" will be sold at the following prices:

South fronts, \$750.

North fronts, \$700.

East fronts, \$650.

Complaint having been made that our former notice did not give sufficient time for investors to close deals, we thus explain that the full benefit of the advance prices will be given to those who will get the full benefit of the advance.

The above prices are from 20 to 30 per cent below the prices of corresponding property. Those who are interested in the tract bought from Mr. Creighton, but that will be worth \$1,000 before the 1st of June. Street railroad is now being built through Clifton Hill.

Agents will receive a commission at present prices until Saturday night, and full commissions at advanced prices commencing Monday morning next.

A. P. TURLEY, 1324 Farnam.

A Free Ride.

You have no idea of the immense boom which will be on in South Omaha within a few weeks, unless you have been down here lately. Now is the time to buy. Come to our office any day and let us take you down to see the town, and if you will put in time to buy with you we will put in time to buy with you.

C. E. Mayne Real Estate & Trust Co., N. W. cor. 15th and Harney.

The South Omaha Land company have appointed C. E. Mayne sole agent for the sale of their lots. He is a member of the property and furnish all desired information upon application.

[Signed] W. A. Paxton, President.

THE VETERANS IN COUNCIL.

The Tenth Annual Encampment of the Nebraska G. A. R.

A NEW TEN STORY STRUCTURE.

Poisoned By Alcohol—St. Patrick's In the Morning—Court Notes—The "Herald" Incorporated—Other Local.

The G. A. R. Encampment.

The occasion of the tenth annual encampment of the Grand Army of the Republic, Nebraska department made the streets assume a lively appearance yesterday morning. The regular army band from Fort Omaha were in and six veterans who are now in actual service and have been for twenty-five years. Their names are Sergeant Murphy, Sergeant Gregory, Farrel, Sergeant Henry Keck, Corporal Bushy, Corporal Geo. W. Hall and Private Robert Gruner. After five years more service they will be retired from service if they desire, with full pay. All of the delegates had not arrived at noon, and many were coming in on the Missouri Pacific and other trains. This condition of affairs applied to the Ladies Auxiliary, as well. The council of administration of this body was in the hall of the G. A. R. post No. 110, on Fourteenth street, with closed doors. The council consists of eleven members. The veteran's council of administration were in session in the Millard hotel and adjourned at 10 a. m. to accompany the procession to the exposition annex where the encampment was to be in session. The department adjutant general, Liveringhouse, had the credentials and other documents which were to be presented to the council. The Millard was crowded with the delegates. They represented about 300 posts scattered throughout Nebraska and were a lively, intelligent class of men, the majority of whom were in the prime of life, considering that in a few weeks, in the early part of April twenty-two years will have passed away since Lee threw up the sponge and the long carnival of gunpowder, smoke and heroism, misery and death, terminated. It is gratifying to note the sturdy appearance of these veterans, all of whom are evidently well-to-do. In the morning the Millard hotel was crowded with delegates and the day was a busy one. The box and apparatus was being prepared and dispo-

sing of them quickly. One fine looking chap stepped up and pleasantly asked for a badge of the Third Missouri G. A. R. He was furnished with one and he wore it and fraternized with the boys in a good natured way. The badges were distinctive in colors: Yellow, cavalry; blue, infantry; and red, light artillery. The badges were made by a day of rain about 11:15 a. m. with 210 men in line, preceded by the band and veterans, Governor Thayer and Paul Vandervoort arm in arm leading the long procession.

The morning work of the encampment was confined to the report of the council of administration on the credentials of delegates and the settlement of the financial affairs of the department. The matters having been disposed of the encampment adjourned until 2 o'clock in the afternoon. At that hour accessions had been made to the number of delegates. The roll call was made and nearly 700 answered the afternoon roll call. The first business of public importance was the opening of bids for the location of the next state reunion. The bids were opened and the result was a general desire among the veterans of the state for the holding of the reunion in Omaha was evident from the fact that but one other city in the state made a bid for the location. The bids were a good bid for the reunion. The committee from the Omaha board of trade presented a bid, offering the use of the city hall for the reunion and \$1,000 in subsidies for the entertainment of the veterans. Upon motion, this offer was unanimously accepted, and the week commencing September 5, selected as the time for the holding of the reunion. There were more than 8,000 members of the G. A. R. in Nebraska, and many more veterans not identified with the order. It is estimated that fully 15,000 veterans, including visiting guests from neighboring states, will attend the reunion, which will insure the presence of at least 50,000 visitors to the city during the week. The reunion will be a big thing for Omaha. The members of the council of administration are enthusiastic over the prospect and promise the biggest reunion of veterans ever held in the west and the officers will begin at once the work of advertising the reunion and making arrangements for the entertainment of the veterans. The members of the local posts are elated over the location of the reunion in Omaha, recognizing at the same time that it means an immense amount of work for them. They will appoint committees at once and take the necessary steps to provide a fitting reception for the comrades who will attend the reunion.

THE EVENING SESSION.

The evening session of 8 o'clock last evening in business session. The plan of holding an old time camp fire service was abandoned on account of a pressure of other business, and the department commanders made the business of the evening session. The meeting was opened by a selection by the Second infantry band from Fort Omaha. Commander Thayer presented the Omaha soldiers' council, and the day was a busy one. The box and apparatus was being prepared and dispo-

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